

# Wetlands Bureau Decision Report

Decisions Taken  
11/30/2009 to 12/06/2009

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2008-02634                      BARTLETT IRREVOC TRUST, RUSSELL BARTLETT**  
**EPSOM    Unnamed Wetland**

### Requested Action:

Request to amend permit for 10 temporary forestry crossings for a managed selective harvest within areas proposed for development.

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### APPROVE AMENDMENT:

Amend permit to read: Install 10 temporary forestry crossings for a managed selective harvest within areas proposed for development. The work involves 960 sq.ft. of impact per plan received 11/16/09 from New England Forestry Consultants, Inc. Dredge and fill 29,506 sq. ft. of wetlands and associated streams for access to a proposed 40-lot residential subdivision and open space lot on an approximately 260-acre parcel. Wetlands impacts consist of installation of culverts and side slope grading and filling for construction of the subdivision access road and one shared driveway. Compensatory mitigation for the proposed wetlands impacts consists of an approximately 160 acres onsite conservation easement/open space parcel.

### With Conditions:

#### With amended conditions:

1. All work shall be in accordance with plans by Joseph M. Wichert LLS, Inc., revision dated June 1, 2009 and plans by Northpoint Engineering, LLC revision dated May 6, 2009 and May 29, 2009, as received by DES on June 1, 2009 and narratives by Beaver Brook Environmental Consultants, as received and revised through June 1, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the United States Environmental Protection Agency ("EPA") of the proposed vernal pool buffer/conservation easement and language for proposed Lot #36-1-7.
5. At least 72 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Future wetlands impacts for access to the conservation areas, if an allowed activity under the approved easements, would be considered with additional permitting.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
9. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Work shall be done during low flow.
13. The impacts (open bottom arch culverts) to the perennial streams at the proposed road crossing shall be restored/constructed with natural round stone or existing streambed materials and shall not include angular rip-rap.
14. A New Hampshire Certified Wetland Scientist ("CWS") shall monitor the project during construction to assure it constructed in accordance with the approved plans and narratives.
15. Wetland restoration areas shall have at least 75% success after two (2) growing seasons, or the areas shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
16. A post-construction report documenting the status of the restored streambeds and wetlands restoration areas shall be submitted to the Wetlands Bureau within 60 days of the completion of each impact and restoration area.

17. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
18. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
19. Unconfined work within the perennial streams, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
20. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
21. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
22. Temporary cofferdams shall be entirely removed immediately following construction.
23. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
24. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
25. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
26. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
27. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
28. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
29. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
30. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
31. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
32. All timber harvesting activities shall minimize impacts to wetlands and surface waters.

#### Compensatory Wetlands Mitigation

##### Wetland and upland preservation:

33. This permit is contingent review and approval of the final conservation easement and language by the NHDES Mitigation Coordinator and the United States Environmental Protection Agency.
34. This permit is contingent upon the execution of a conservation easement on 159.1487 acres as depicted on plans received June 1, 2009.
35. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
36. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
37. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
38. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
39. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
40. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
41. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### With Findings:

1. The request is an amendment to an existing major impact project per Administrative Rule Env-Wt 303.02(c) Projects that involve

alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate

2. The timber harvesting activities will minimize impacts to the wetlands and surface waters where appropriate.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

**2009-01690                      LANCASTER, TOWN OF**  
**LANCASTER   Garland Brook**

**Requested Action:**

Temporarily impact 4,979 square feet of the bed and banks of Garland Brook, a perennial stream, to replace an existing slow sand filter intake system.

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**APPROVE PERMIT:**

Temporarily impact 4,979 square feet of the bed and banks of Garland Brook, a perennial stream, to replace an existing slow sand filter intake system.

**With Conditions:**

1. All work shall be in accordance with the plans by Horizons Engineering, LLC entitled Town of Lancaster: Slow Sand Filter Intake Garland Brook (sheets 1-5 of 5) as received by DES on July 30, 2009.
2. All impacts areas shall be restored to existing conditions. These areas shall be monitored and remedial actions taken if necessary.
3. The stream bed shall be re-established in a manner satisfactory to the DES Wetlands Bureau.
4. A follow-up inspection shall be conducted after the first spring, to review the success of the restoration and schedule remedial actions if necessary.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Prior to commencing work within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation.
8. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters.
11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. A post-construction report documenting the status of the restored stream bed, including photographs, shall be submitted to the Wetlands Bureau. The report shall outline any follow-up measures and a schedule for completing any necessary remedial work shall be submitted by October 1 of that year.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
21. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Major Project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project will provide water to the town of Lancaster.
6. The new infiltration gallery needs to be located downstream of the existing infiltration gallery so that the town's water supply is not interrupted.
7. All impact areas will be restored to existing conditions.
8. Rip-rap on the banks will be placed only in areas where it currently exists. There will be no new rip-rap areas on the banks.
9. Rip-rap in the stream bed is expected to quickly fill with native stream bed material.
10. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau, or the Conservation Commission.
11. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03 as the impacts are temporary and will be restored.
12. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

**MINOR IMPACT PROJECT**

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**2008-01627                      LADD, PETER**  
**WARNER   Warner River**

Requested Action:

Dredge and fill  $\pm$  200 sq. ft. of the Warner River to repair a historic Warner River Dam spillway (Dam # 243.08) and install fish ladder. Retain  $\pm$  100 sq. ft. of palustrine forested wetlands/intermittent stream impact for the installation of a 16-in. x 24-ft culvert.

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Inspection Date: 05/26/2009 by Kirsten Pulkkinen

APPROVE PERMIT:

Dredge and fill  $\pm$  200 sq. ft. of the Warner River to repair a historic Warner River Dam spillway (Dam # 243.08) and install fish ladder. Retain  $\pm$  100 sq. ft. of palustrine forested wetlands/intermittent stream impact for the installation of a 16-in. x 24-ft culvert.

With Conditions:

1. All work shall be in accordance with the conditions of this permit and plans by Peter Ladd as received by the Department on August 15, 2008 and November 06, 2009.
2. Stop logs shall be removed during low flows.
3. Each fish ladder pool shall be a minimum of 24 inches in length.
4. This permit is contingent on further coordination with the DES Watershed Management Bureau if requested by the DES Watershed Management Bureau.

4. Work shall be done during annual low flow conditions and in the dry.
5. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. There shall be no excavation or operation of construction equipment in flowing water.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
24. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a river or its banks.
2. No comments were submitted from the Natural Heritage Bureau (NHB).
3. DES Watershed Bureau comments dated August 21, 2008, requested a stop log management plan to determine the amount of flow that need to pass downstream to maintain run-of-river operation during low flows.
4. Applicant response received August 28, 2008, explains that the originally established impoundment is a very low diversion with minimal impoundment, and therefore, operates at run-of-river without peaking.
5. The proposed change to the impoundment includes minimal repairs the stone impoundment and stop-log installation.
6. This permit is conditioned that the stop logs will be removed during low flows.
7. In email correspondence dated January 12, 2009, the DES Dam Bureau indicated the structure for which repairs are proposed does not constitute a dam under NH law (Dam # 243.08).
8. DES Staff conducted a field inspection of the proposed project on May 26, 2009.
9. Additional DES Watershed Management comments dated June 30, 2009, requested calculations for the maximum capacity the penstock.

10. In correspondence dated July 05, 2009, the Applicant responded to the DES Watershed Management Bureau.
11. This permit is contingent on further coordination with the DES Watershed Management Bureau if requested by the DES Watershed Management Bureau.
12. Final NH Fish and Game Department (NHFG), Fisheries Division comments were provided in email correspondence dated August 08, 2009. Final comments requested fish ladder pools be a minimum of 24 inches in length.
13. This permit is conditioned that fish ladder pools shall be a minimum of 24 inches in length.
14. The Applicant has provided sufficient evidence that additional dam repairs were completed in the dry and were in-kind repairs to existing structures.
15. Based on RSA 482-A:3, XIV(b) the department denied the application on October 08, 2009, because the issues raised in the September 25, 2008, Request for More Information were not addressed.
16. A request for reconsideration was received on November 06, 2009. The reconsideration request included revisions requested to date. The Applicant explained personal issues prohibited a timely submittal and pointed out they had been coordinating with all DES Bureau's and State Department's as required and is still awaiting final comment from a single agency. This comment is the final requirement for completion of the DES Wetlands Bureau application. The Applicant concluded they feel they have demonstrated a good faith effort to cooperatively and fully comply with DES requirements.
17. Based on the foregoing, the department has granted the reconsideration to the subject application, file number 2008-01627.
18. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
19. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
20. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-01460                      NH FISH & GAME DEPARTMENT**  
**WARREN   Patch Brook**

**Requested Action:**

Permanently impact 30 square feet and temporarily impact 20 square feet of the bank of Patch Brook, a perennial stream, for the consolidation of discharge pipes to a single pipe at the Warren Fish Hatchery.

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**APPROVE PERMIT:**

Permanently impact 30 square feet and temporarily impact 20 square feet of the bank of Patch Brook, a perennial stream, for the consolidation of discharge pipes to a single pipe at the Warren Fish Hatchery.

**With Conditions:**

1. All work shall be in accordance with plans by Nobis Engineering, Inc. entitled: Warren Fish Hatchery (sheets CS; S-1; C-1 to C-6) dated May 2008 as received by DES on July 08, 2009.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
5. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Minor Project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with the newly revised EPA/DES National Pollution Discharge Elimination System rules, all existing State hatchery pipeline systems will require a permit in order to monitor the discharge of various pollutants.
6. The project will allow NH Fish and Game to comply with the new rules by proposing the reconstruction of the existing pipeline system at the Warren Fish Hatchery.
7. The Warren Fish Hatchery discharge permit number is NH0000736.
8. A letter dated May 4, 2009 from the NH Department of Transportation acknowledged their review and approval of the proposed project within the NH Route 25 Right of Way and also within twenty feet of their property line.
9. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau or the Warren Conservation Commission.

**2009-01520                      NEW BOSTON, TOWN OF**  
**NEW BOSTON   South Branch Of The Piscataquog River**

Requested Action:

Dredge and fill  $\pm$  4,524 sq. ft. of the South Branch Piscataquog River bed and bank at Lyndeborough Rd. to replace the 18-foot x 50-foot existing one-lane bridge with a 27-foot x 55-foot two-lane bridge with concrete wingwalls and riprap armoring for bridge protection.

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APPROVE PERMIT:

Dredge and fill  $\pm$  4,524 sq. ft. of the South Branch Piscataquog River bed and bank at Lyndeborough Rd. to replace the 18-foot x 50-foot existing one-lane bridge with a 27-foot x 55-foot two-lane bridge with concrete wingwalls and riprap armoring for bridge protection.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc. dated June 2009, as received by the Department on July 13, 2009.
2. The construction crew chief shall review information available online (<http://www.wildlife.state.nh.us/Wildlife/Nongame/turtles.htm>) and become familiar with wood turtles.
3. In the months of May and June prior to staging equipment the construction crew chief familiar with wood turtles shall conduct daily checks for roadside wood turtle nesting sites.
4. Bank stabilization filter fabric shall not include plastic netting.
5. Copies of permanent easements from affected landowners outside of the existing road right-of-way shall be submitted to DES Wetlands File No. 2009-01520 prior to construction.



6. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
7. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
8. This permit is contingent upon the restoration of 1,858 sq. feet of the Piscataquog River temporary impact (work space) to be completed immediately following construction and to the satisfaction of the DES Wetlands Bureau.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. There shall be no excavation or operation of construction equipment in flowing water.
14. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
16. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
17. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
18. Temporary cofferdams shall be entirely removed immediately following construction.
19. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
23. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
24. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
25. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
26. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
27. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a river or its banks.
2. The proposed span will adequately pass the 50-year storm, as required by NHDOT.
3. The bridge will be increased by 9 feet to accommodate two lanes of traffic and the span over the riverbanks will be increased by 5 feet.
4. The Natural Heritage Bureau (NHB) review confirmed the presence of brook floater mussel and wood turtle in the vicinity of the project.
5. In email correspondence dated July 23, 2009, the NHFG Nongame and Endangered Species Program recommend the following:

- a. The construction crew chief shall review information available online and become familiar with wood turtles.
- b. In the months of May and June prior to staging equipment construction crew familiar with wood turtles shall conduct daily checks for roadside wood turtle nesting sites.
- c. Bank stabilization filter fabric shall not include plastic netting.
- d. Riprap bank stabilization should be limited to the maximum extent possible.
- e. Natural type rounded stone should be used in the river bed and only native species be planted.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-01687                      JESANIS, MICHAEL**  
**SUNAPEE   Lake Sunapee**

**Requested Action:**

Remove an existing 12 ft x 18 ft crib supported dock and construct a 6 ft x 33 ft permanent dock supported by two 6 ft x 6 ft cribs, install two 3 pile ice clusters, a pile supported permanent boatlift, a 13 ft x 26 ft seasonal canopy, dredge a 10 ft x 10 ft abandoned crib and dredge abandoned crib logs, install two personal watercraft lifts, construct a 1185 sq ft perched beach, and repair 33 linear ft of shoreline on an average of 314 feet of frontage on Lake Sunapee, in Sunapee.

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**Conservation Commission/Staff Comments:**

Con Com submitted comments

**DENY PERMIT:**

Remove an existing 12 ft x 18 ft crib supported dock and construct a 6 ft x 33 ft permanent dock supported by two 6 ft x 6 ft cribs, install two 3 pile ice clusters, a pile supported permanent boatlift, a 13 ft x 26 ft seasonal canopy, dredge a 10 ft x 10 ft abandoned crib and dredge abandoned crib logs, install two personal watercraft lifts, construct a 1185 sq ft perched beach, and repair 33 linear ft of shoreline on an average of 314 feet of frontage on Lake Sunapee, in Sunapee.

**With Findings:**

**Standards for Approval**

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Env-Wt 303.03(d), construction or modification of a permanent docking system that provides for fewer than 5 boat slips including previously existing boat slips.
3. In accordance with Env-Wt 302.04(d), (1), the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
4. In accordance with RSA 482-A:3,XIV(3) "Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request: (A) Approve or deny the application, in whole or in part".
5. In accordance with Env-Wt 302.04 (a), (1), for any major or minor project, the applicant shall demonstrate the need for the proposed impact by plan and example that.
6. In accordance with Env-Wt 302.04 (a), (2), for any major or minor project, the applicant shall demonstrate by plan and example that the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
7. In accordance with Env-Wt 101.65 "Permanent dock" means a dock in which the dock, its supports, or both are designed to remain in the bank or surface water bottom throughout the non-boating season. Permanent docks can be supported by piles or cribs in the water or can be cantilevered from the bank."
8. In accordance with Env-Wt 101.81 "Seasonal dock or seasonal structure" means a dock or any other structure that is designed and constructed such that the structure and all associated supports can be completely removed from the surface water and its bed during

the non-boating season, including but not limited to pipe docks, floating docks, and watercraft lifts."

9. In accordance with RSA 482-A:2, VIII. "'Boat slip" means: ... (b) On water bodies of 10,000 acres or less, a volume of water 20 feet long, 6 feet wide, and 3 feet deep as measured at normal high water mark and located adjacent to a structure to which a watercraft may be secured."

10. In accordance with Env-Wt 402.03, (a), Dimensions, approvable standard dimensions for a dock on a lake or pond of 1,000 acres or more shall not exceed: "a. For seasonal docks, a deck width of 6 feet and deck length of 40 feet, measured from normal high water mark; and b. For permanent docks, a deck width of 6 feet and deck length of 30 feet, measured from normal high water mark."

11. In accordance with Env-Wt 402.06, (a), Permanent Docks, "an application for a permanent dock shall be approved only when an applicant establishes that: (1) The proposed permanent dock will be located on a lake of over 1,000 acres; and (2) The proposed site for the dock is exposed to a design fetch of at least 1 mile between compass headings 245 to 340 degrees, or a design fetch of at least 2 miles between compass headings 341 to 0 or 0 to 244 degrees, as measured from true north."

12. In accordance with Env-Wt 402.21 "Modification of Existing Structures. The department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration."

13. In accordance with Env-Wt 402.06, Permanent Docks, "All applications for permanent installations shall indicate that reasonable investigations have been undertaken to determine the impossibility of driving pilings before alternate construction methods shall be approved." "Such investigations may include trial driving by commercial equipment, probings, and experience in construction of adjacent wharves or docks." "After an applicant has demonstrated that pilings cannot be driven and that a seasonal structure cannot be maintained on the frontage, a crib dock shall be approved."

14. In accordance with Env-Wt 402.13, Frontage Over 75', "to lessen congestion, improve public safety and navigation, protect neighboring property values, provide sufficient area for construction of facilities, provide adequate area for boat maneuvering, and protect health, safety, and general welfare, there shall be a minimum of 75' of shoreline frontage on the property for the first 2-slip structure and an additional 75' of shoreline frontage on the property for each additional boating slip or securing location on a structure for non-commercial use."

15. In accordance with Env-Wt 304.08, (a), Beaches, the size of a new beach serving a single residence shall not exceed 900 square feet."

#### Findings of Fact

1. On July 29, 2009, the Wetlands Bureau received an application for surface water impacts on the lot identified as Sunapee tax map 126, lot 24, to remove an existing 12 ft x 18 ft crib supported dock and construct a 6 ft x 33 ft permanent dock supported by two 6 ft x 6 ft cribs, install two 3 pile ice clusters, a pile supported permanent boatlift, a 13 ft x 26 ft seasonal canopy, dredge a 10 ft x 10 ft abandoned crib and dredge abandoned crib logs, install two PWC lifts, construct a 1105 sq ft perched beach, on an average of 314 feet of frontage on Lake Sunapee, Sunapee.

2. On October 21, 2009, the Department sent a Request for More Information letter requesting plans indicating the installation of a seasonal docking structure and a seasonal boat lift on this frontage.

3. The Request for More Information letter also requested plans for a seasonal boatlift adjacent to the docking structure.

4. The Request for More Information letter also plans of a seasonal docking structure or the repair of the existing structure with no change in the structure.

5. The Request for More Information letter also explained that proposed beaches can not exceed 900 sq ft of impact and requested plans indicating an impact area no larger than 900 sq ft.

6. The Request for More Information letter also explained that the site did not meet the criteria for construction of permanent structures and did not support the need for the structures. The Letter asked that the plans be revised to utilize seasonal structures.

7. The applicant submitted a complete response to the Request for More Information letter dated October 21, 2009, on November 09, 2009.

8. Lake Sunapee has a surface area of 4090 acres.

9. The frontage has an average fetch of 1.3 miles to the southerly direction.

10. The existing non-conforming permanent dock does not provide for any boat slips under the redefinition of boat slip pursuant to RSA 482-A:2.

11. The applicant proposes to construct a 6 ft x 33 ft permanent dock supported by two 6 ft x 6 ft cribs.

11. The applicant proposes to install a permanent boatlift adjacent to the proposed permanent dock.

12. The applicant proposes to install two, 3 pile ice clusters adjacent to the permanent docking structure.

13. The construction of a crib supported docking structure with pile supported boatlift, canopy, and two ice clusters is more impacting than a pile supported docking structure.
14. The proposal to construct a 33 ft permanent dock on this frontage would be a non-conforming dock.
15. The proposal to construct a 33 ft long dock would provide 2 slips on the non-conforming docking structure.
16. The proposed location of the permanent dock does not meet the fetch criteria set forth in Env-Wt 402.06 for a permanent dock.
17. The applicant proposes to construct a 1105 sq ft perched beach on the frontage.

#### Rulings in Support of Denial

1. The construction of a crib supported permanent dock is not the least impacting alternative for this frontage, therefore pursuant to Env-Wt 302.04(d), the application is denied.
2. The proposed construction of a non-conforming docking structure does not provide less environmentally-impacting nor does it provide for fewer boat slips and less construction surface area over public submerged lands than the current configuration. Therefore the application is denied.
3. The proposed permanent dock does not meet the criteria set forth in Env-Wt 402.06 for permanent docks, therefore pursuant to Env-Wt 302.04(d), 402.06, the application is denied.
4. The proposed perched beach exceeds 900 sq ft set forth in Env-Wt 302.08, therefore, the application is denied.

#### **2009-02052                      MANCHESTER SAND, GRAVEL & CEMENT, INC** **HOOKSETT   Browns Brook / Merrimack River**

#### Requested Action:

Proposal to dredge and fill approximately 96 sq. ft. of perennial streambed, bank (Browns Brook) and associated wetlands for removal of a section of earthen dam, concrete stop log bay structure and restoration of approximately 1,042 sq. ft. of earthen dam to streambed and wetlands.

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#### Conservation Commission/Staff Comments:

1. The Conservation Commission voted unanimously to support the project.

#### APPROVE PERMIT:

Dredge and fill approximately 96 sq. ft. of perennial streambed, bank (Browns Brook) and associated wetlands for removal of a section of earthen dam, concrete stop log bay structure and restoration of approximately 1,042 sq. ft. of earthen dam to streambed and wetlands.

#### With Conditions:

1. All work shall be in accordance with plans by Holden Engineering & Surveying, Inc., revised through August 20, 2009, and narratives by SEC, LLC, dated August 17, 2009, as received by DES on September 1, 2009.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. At least 72 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the DES Dam Bureau permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. The applicant shall notify DES, Town and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no

- turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. The surface of the stream channel bed shall be restored with natural round stone or existing natural streambed materials and shall not include angular rip-rap.
  10. If fertilizers are used adjacent to the stream and in stabilization areas they shall be low phosphate, slow release nitrogen fertilizer.
  11. There shall be no excavation or operation of construction equipment in flowing water.
  12. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
  13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
  14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
  15. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
  16. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
  17. Temporary cofferdams shall be entirely removed immediately following construction.
  18. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
  19. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
  20. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
  21. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1. Please note no erosion methods shall be used that include netting that could entrap wildlife species.
  22. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
  23. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
  24. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
  25. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
  26. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
  27. A qualified environmental professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives.
  28. Restoration and stabilization plantings shall have at least 75% success after one full growing season, or the areas shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
  29. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days and one full growing season after the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The removal of the 25 foot section of dam is being required for the dam to be considered "breached" by the NH DES Dam Bureau. The proposed work will remove the burden of ongoing dam maintenance and licensing by the owner.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The proposed structure removal and restoration activities will increase aquatic organism passage through this section of Browns Brook.

7. The NH Fish and Game Department, Nongame and Endangered Wildlife Program does not expect any impacts to species identified near the area and anticipates a positive affect for Blanding's turtle and swamp darter.
8. The stop logs were removed from the dam approximately 10 years ago removing the pond, therefore, there are no negative impacts expected to abutting properties or wetlands.
9. The NH DES Dam Bureau has been working with the applicant on removal of the section of dam.
10. The applicant's engineer has reviewed the project for possible impacts on downstream structures.

**2009-02136                      TILTON DPW, TOWN OF  
TILTON   Winnepesaukee River**

**Requested Action:**

Dredge and fill approximately 744 sq. ft. of streambed, bank and associated wetlands (includes 380 sq. ft. of temporary impacts) for removal of an approximately 6 ft. span x 5.2 ft. high x 24 ft. run open bottom box culvert and replace with a 10 ft. span x 8 ft. high x 26 ft. run embedded box culvert (embedded with natural streambed material), associated wing-walls and bank and bed stabilization.

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**APPROVE PERMIT:**

Dredge and fill approximately 744 sq. ft. of streambed, bank and associated wetlands (includes 380 sq. ft. of temporary impacts) for removal of an approximately 6 ft. span x 5.2 ft. high x 24 ft. run open bottom box culvert and replace with a 10 ft. span x 8 ft. high x 26 ft. run embedded box culvert (embedded with natural streambed material), associated wing-walls and bank and bed stabilization.

**With Conditions:**

1. All work shall be in accordance with plans by Quantum Construction Consultants, LLC dated September 3, 2009, as received by DES on September 16, 2009.
2. The Town shall obtain temporary construction easements or written permission from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements/permission to DES Wetlands File No. 2009-2136 prior to the start of any work/construction associated with the project.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. The final surface of the stream channel bed and embedded box culvert shall be restored with natural round stone or existing streambed materials and shall not include angular rip-rap.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.

15. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
16. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
17. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03((l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed box culvert structure provides a larger hydrological opening than currently exists.
6. The NH Fish and Game Department did not comment on the proposed project.

**2009-02235                      JACOBS, CHARLES**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Dredge 16 cubic yards from 515 sq ft of previously dredged lakebed in front of the existing 38 ft x 38 ft dug in boathouse and dredge one rock, on an average of 196 ft of frontage on Lake Winnepesaukee, Tuftonboro.

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Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Dredge 16 cubic yards from 515 sq ft of previously dredged lakebed in front of the existing 38 ft x 38 ft dug in boathouse and dredge one rock, on an average of 196 ft of frontage on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated August 31, 2009, as received by DES on September 21, 2009.
2. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
3. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

**2009-02337                      WALSH, DAVID**  
**LACONIA   Lake Winnisquam**

Requested Action:

Repair 37 linear feet of retaining wall, and 42 linear feet of retaining wall, and 8 linear feet of retaining wall, in-kind, on an average of 107 ft of frontage on Lake Winnisquam, in Laconia.

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Conservation Commission/Staff Comments:

No Con Com comments by 12/01/2009

APPROVE PERMIT:

Repair 37 linear feet of retaining wall, and 42 linear feet of retaining wall, and 8 linear feet of retaining wall, in-kind, on an average of 107 ft of frontage on Lake Winnisquam, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated September 21, 2009, as received by DES on October 05, 2009.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j), repair or replacement of existing retaining walls that requires work in the water, but result in no change in height, length, location, or configuration.

**MINIMUM IMPACT PROJECT**

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**2009-02071                      ALTON, TOWN OF**  
**ALTON   Unnamed Stream**

Requested Action:

Follow-up to an emergency authorization issued by DES on September 11, 2009 to replace a failed 24-inch culvert on Cooke Road.

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**CONFIRM EMERGENCY AUTHORIZATION:**

Approve approximately 40 sq. ft. of impact to an intermittent stream to replace a failed 24 in. x 26 ft. CMP culvert with a 24 in. x 36 ft. HPDE culvert on Cooke Road. This approval is a follow-up to the emergency authorization issued by DES on September 11, 2009 to replace a failed culvert.

**With Conditions:**

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
2. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k) and is in accordance with Administrative Rule Env-Wt 303.05(q) Routine roadway and railway maintenance activities, including, but not limited to, existing culvert replacements, extensions, or orientations; headwall construction, repair, replacement, or stabilization; and roadside ditch maintenance, conducted in accordance with "Best Management Practices for Routine Roadway Maintenance Activities in New Hampshire", published by the New Hampshire department of transportation, dated August 2001 ("BMPs for Routine Roadway Maintenance").
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

**2009-02086                      BARTLETT, ROBERT**  
**HAVERHILL   Unnamed Stream**

**Requested Action:**

Propose to retain approximately 60 square feet (20 linear feet) of impacts to a run-off channel/intermittent stream and associated wetland for a town road. Work in wetlands consists of one wetland crossing with a 15" culvert and associated filling and grading.

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**APPROVE AFTER THE FACT:**

Retain approximately 60 square feet (20 linear feet) of impacts to a run-off channel/intermittent stream and associated wetland for a town road. Work in wetlands consists of one wetland crossing with a 15" culvert and associated filling and grading.

**With Conditions:**

1. All exposed soil areas shall be stabilized immediately by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
2. Proper headwalls shall be constructed as soon as possible, and no later than July 2010.
3. A post-construction report documenting soil stabilization and proper headwalls shall be submitted to the Wetlands Bureau.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

**With Findings:**

1. This is a minimum impact project per 303.04 (f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the conservation commission.

**2009-02238                      MCALLISTER, ALBERT**  
**MANCHESTER   Unnamed Stream Unnamed Wetlands / Cohas Brook**

Requested Action:

Dredge and fill 390 sq. ft. of wetlands and associated intermittent stream for one wetland crossing associated with the installation of 21,000 linear feet of 8 to 10 inch gravity sewer line and 1,100 linear feet of pressure sewer line identified as "Cohas Brook Sewer Project-Contract No.1".

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APPROVE PERMIT:

Dredge and fill 390 sq. ft. of wetlands and associated intermittent stream for one wetland crossing associated with the installation of 21,000 linear feet of 8 to 10 inch gravity sewer line and 1,100 linear feet of pressure sewer line identified as "Cohas Brook Sewer Project-Contract No.1".

With Conditions:

1. All work shall be in accordance with plans by CDM, dated August 2009 and narratives, as received by DES on September 21, 2009.
2. This permit is contingent on approval by the DES Wastewater Engineering Bureau.
3. The City of Manchester shall obtain temporary construction easements or written permission from affected landowners for work (associated with the wetlands impact) outside of city right-of-ways/property and shall supply copies of the easements or permission to DES Wetlands File No. 2009-2238 prior to construction.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (for any associated work that is within the Protected Shoreland). The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be done during non-flow.
8. Wetland restoration of the permitted temporary impact area shall have at least 75% successful establishment of wetlands vegetation after one full growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
9. The wetlands and stream restoration shall be conducted immediately after installation of the sewer line within the impact area.
10. A post-construction report documenting the status of the restored stream and wetlands shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and after one growing season.
11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff

treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n) Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow and Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program does not expect any impacts to the wildlife species identified near the project area.
6. DES has not received any comments in opposition to the proposed project.
7. The project will provide city sewer service access to approximately 200 existing homes and will help protect adjacent water quality.

**2009-02652                      NEW HAMPTON DPW, TOWN OF  
NEW HAMPTON   Unnamed Stream Pemigewasset River**

Requested Action:

Dredge and fill approximately 60 sq. ft. of intermittent stream for installation of a 48 in. x 8 ft. culvert extension for side slope stabilization and widening on Coolidge Woods Road.

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APPROVE PERMIT:

Dredge and fill approximately 60 sq. ft. of intermittent stream for installation of a 48 in. x 8 ft. culvert extension for side slope stabilization and widening on Coolidge Woods Road.

With Conditions:

1. All work shall be in accordance with plans by French Land Services Inc., dated October 2009 and narratives by Stoney Ridge Environmental LLC, dated October 28, 2009, as received by DES on November 8, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k) and do not exceed any of the following criteria:
  - (1) Drainage structures shall not exceed 3,000 square feet of dredge or fill in area;
  - (2) Culverts shall not cross streams 10 feet wide or greater, measured from base of bank slope to base of bank slope;
  - (3) Wetlands crossed shall have no standing water for 10 months of the year and shall not exceed 50 feet across, measured along the roadway, and the fill width measured at the base of the roadway side slopes shall not exceed 50 feet; or
  - (4) Shoulder widening shall not exceed 3 cubic yards of fill per linear foot in wetlands that have no standing water for 10 months of the year, and shall not exceed 10 feet of additional encroachment measured from base of slope
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**FORESTRY NOTIFICATION**

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**2009-02804                      DOUCET, RODNEY**  
**DUNBARTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dunbarton Tax Map B4, Lot# 4-1

**2009-02806                      HELME, CHRIS & GEORGE HODGDON**  
**OSSIPEE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Ossipee Tax Map 7, Lot# 33

**2009-02807 HOMESTEAD TRUST II**  
**TAMWORTH Unnamed Stream**

COMPLETE NOTIFICATION:  
Tamworth Tax Map 415, Lot# 16

**2009-02808 PLUM CREEK MAINE TIMBERLANDS LLC**  
**ERROL Unnamed Stream**

COMPLETE NOTIFICATION:  
Errol Tax Map R15, Lot# 4

**2009-02809 BARRETT JR, MARSHALL**  
**SWANZEY Unnamed Stream**

COMPLETE NOTIFICATION:  
West Swanzey Tax Map 83, Lot# 1

**2009-02810 LECLAIR, MARYANN**  
**BROOKFIELD Unnamed Stream**

COMPLETE NOTIFICATION:  
Brookfield Tax Map 38, Lot# 5

**2009-02811 NEWFIELDS WATER & SEWER DISTRICT**  
**NEWFIELDS Unnamed Stream**

COMPLETE NOTIFICATION:  
Newfields Tax Map 202, Lot# 8

**2009-02830 GUMINSKI, ALLEN**  
**HILLSBOROUGH Unnamed Stream**

COMPLETE NOTIFICATION:  
Hillsboro Tax Map/Lot# 4/26, 62, 63 & 5/155

**2009-02831 GREEN ACRE WOODLANDS INC**  
**WENTWORTH Unnamed Stream**

COMPLETE NOTIFICATION:  
Wentworth Tax Map 4, Lot# 3-7

**EXPEDITED MINIMUM**

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**2009-02126                      ROBIE, CRAIG**  
**CANDIA   Unnamed Wetland**

**Requested Action:**

Dredge and fill 2,060 square feet of palustrine forested wetland for the installation of two (2) 24-inch by 20-foot culverts to construct a driveway for access to buildable uplands for a single family residential dwelling on 46.6 acres.

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**Conservation Commission/Staff Comments:**

The Candia Conservation Commission signed the Minimum Impact Expedited Application.

**APPROVE PERMIT:**

Dredge and fill 2,060 square feet of palustrine forested wetland for the installation of two (2) 24-inch by 20-foot culverts to construct a driveway for access to buildable uplands for a single family residential dwelling on 46.6 acres.

**With Conditions:**

1. All work shall be in accordance with plans by James E. Franklin, LLC dated August 28, 2009, as received by DES on September 18, 2009.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work shall be done during seasonal low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. No fill shall be done for lot development.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-02594                      WATSON, NICKI**  
**HAMPTON   Tidal Buffer Zone**

**Requested Action:**

Increase the impervious surface within the previously developed 100-foot tidal buffer zone from 960 square feet to 1,104 square feet to construct a second story within the footprint of the existing, single-family residential dwelling and two (2) decks.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Hampton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Increase the impervious surface within the previously developed 100-foot tidal buffer zone from 960 square feet to 1,104 square feet to construct a second story within the footprint of the existing, single-family residential dwelling and two (2) decks.

With Conditions:

1. All work shall be in accordance with the Plan of Land by E.J. Cote & Assoc. Inc. dated September 25, 2009, as received by DES on October 30, 2009.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This project shall result in no increase in the area of impervious surface within protect shorelands on this lot.
4. The project as proposed shall not impact any areas currently existing in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. All exposed soils shall be seeded with grass or otherwise stabilized following the removal of impervious surfaces.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02608

WIXSON, ELDWIN & MARILYN

PLYMOUTH Unnamed Wetland

Requested Action:

Dredge and fill approximately 2,813 sq. ft. (temporary impacts) of forested wetlands for repair and replacement of an existing sewer line.

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Conservation Commission/Staff Comments:

1. The Conservation Commission signed the application(s) waiving their right to intervene.

APPROVE PERMIT:

Dredge and fill approximately 2,813 sq. ft. (temporary impacts) of forested wetlands for repair and replacement of an existing sewer line.

With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering Associates, P.C., sheets S1 and S2 revised through 10/21/09 and sheet D2 dated 7/14/2009, as received by DES on 11/2/09.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on adjacent wetlands.
4. Wetlands topsoil shall be stockpiled separately from subsoils and shall be restored following backfill.
5. Restoration of original wetland grades, shall be conducted within 5 days of backfill.
6. Wetlands shall be planted with a native wetland seed mix and plantings.
7. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after one growing season, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
8. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-02657**

**UPHAM TRUST BOSTON TRUST & IVESTMENT MGMT**

**SUNAPEE Lake Sunapee**

Requested Action:

Repair or replace the existing cribs supporting an existing 42 ft 4 in x 39 ft 6 in boathouse and associated docking system on Lake Sunapee, Sunapee.

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Conservation Commission/Staff Comments:



Con Com signed Exp application

**APPROVE PERMIT:**

Repair or replace the existing cribs supporting an existing 42 ft 4 in x 39 ft 6 in boathouse and associated docking system on Lake Sunapee, Sunapee.

**With Conditions:**

1. All work shall be in accordance with plans by Stevens Engineering dated January 01, 1993, as revised by Richard Green on October 27, 2009, as received by DES on November 10, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit does not allow for dredging to provide depth for boatslips.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2009-02701                      VAN MAGNESS, FREDERICK & KAREN  
MOULTONBOROUGH   Lake Winnepesaukee**

**Requested Action:**

Repair "in kind" 80 linear feet of retaining wall and install a 6 ft x 40 ft seasonal dock on an average of 150 ft of frontage on Lake Winnepesaukee, Moultonborough.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com signed Exp Applicaiton

**APPROVE PERMIT:**

Repair "in kind" 80 linear feet of retaining wall and install a 6 ft x 40 ft seasonal dock on an average of 150 ft of frontage on Lake Winnepesaukee, Moultonborough.

**With Conditions:**

1. All work shall be in accordance with plans as received by DES on November 13, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation

action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

4. Repair shall maintain existing size, location and configuration.
5. This permit does not allow for the removal of any trees from the frontage for the repair.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Seasonal pier shall be removed from the lake for the non-boating season.
9. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.

**AGRICULTURE MINIMUM**

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**2009-02131                      LAVOIE, ADRIEN**  
**HOLLIS   Unnamed Pond**

Requested Action:

Maintenance dredge 3,180 square feet of an existing agricultural irrigation pond for continued use.

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Conservation Commission/Staff Comments:

The Hillsborough County Conservation District signed the Minimum Impact Agricultural Application.

APPROVE PERMIT:

Maintenance dredge 3,180 square feet of an existing agricultural irrigation pond for continued use.

With Conditions:

1. All work shall be in accordance with plans by the USDA NRCS dated August 2009, as received by DES on September 17, 2009.
2. This permit shall be recorded with the Hillsborough County Registry of Deeds office by the permittee.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u) Maintenance or improvement of existing crop or pasture land for continued agricultural use
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided

evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

## ROADWAY MAINTENANCE NOTIF

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**2009-02821                      NH DEPT OF TRANSPORTATION**  
**SOMERSWORTH   Drainage Swale**

**2009-02822                      JEFFERSON HIGHWAY DEPT**  
**JEFFERSON   Unnamed Wetland**

## PERMIT BY NOTIFICATION

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**2009-02076                      DAPERGOLAS, JOHN**  
**CHICHESTER   Unnamed Stream**

Requested Action:

PBN proposal to install a 12 in. x 20 ft. culvert to access the rear of the property.

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PBN DISQUALIFIED:

Disqualify PBN proposal to install a 12 in. x 20 ft. culvert to access the rear of the property.

With Findings:

1. The response received by DES October 6, 2009 to the Notice of Incomplete letter issued by DES on September 17, 2009 was not complete.
2. DES can not process the request as a PBN because the site had a previous permit condition (Wetlands Bureau File #1999-01945) that prohibits further impacts to wetlands. This condition can not be addressed through the PBN process and any attempt to permit the proposal would have to be through the submittal of a Standard Dredge and Fill application.
3. The DES Compliance Section inspected the property on October 14, 2009 and requested them not to extend an adjacent slope, to stabilize the slope, and if they wanted to proceed with the culvert installation they would need to file a Standard Dredge and Fill application due to the previous permit conditions.

**2009-02224                      LEBRECQUE, JOSEPH & SUZANNE**  
**SALEM   Arlington Mills Reservoir**

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

Check from J.M. Gray dated 9/25/09 for \$200.00 was returned for insufficient funds. A new check was submitted on 12/1/09.

**PBN IS COMPLETE:**

Replace 50+ linear feet of wooden retaining wall with interlocking block and replace dock on the eastern side of the property.

Restoration approved for 47 linear feet file #2008-2086

**With Conditions:**

1. Repair shall maintain existing size, location and configuration.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existin retaining wall and associated dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-02523                      THISTLE, WAYNE**  
**LOUDON   Unnamed Wetland**

**Requested Action:**

PBN complete to dredge and fill 1122 sq. ft. of wetlands for construction of a driveway and utility line to a single family building lot. Work includes installation of an embedded 48 in. x 46 ft. arch culvert (there shall be no angular rip rap in the culvert stream or associated wetlands), associated headwalls and a field marked 100 ft. no cut buffer along both sides of the associated intermittent stream, as depicted on plans by SEC LLC, revision date 11/10/09, as received by DES on 11/16/09.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

1. The Conservation Commission signed the PBN waiving their right to intervene on the proposed project.

**PBN IS COMPLETE:**

PBN complete to dredge and fill 1122 sq. ft. of wetlands for construction of a driveway and utility line to a single family building lot. Work includes installation of an embedded 48 in. x 46 ft. arch culvert (there shall be no angular rip rap in the culvert stream or associated wetlands), associated headwalls and a field marked 100 ft. no cut buffer along both sides of the associated intermittent stream, as depicted on plans by SEC LLC, revision date 11/10/09, as received by DES on 11/16/09.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses and Env-Wt 303.04(ae) Installation of residential utility lines and associated temporary impacts to permit utility services for a single family building lot.
2. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program has indicated that they are satisfied with the revisions of the crossing and PBN as long as DES approves.
3. The previous wetlands permit for the subdivision (File #2000-00780) indicated further permitting would be required for additional impacts. The PBN satisfies this requirement.

**2009-02637                      WILLIAMS, RICHARD**  
**NORTHWOOD   Pleasant Lake**

Requested Action:

In kind repair of existing retaining wall.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

In kind repair of existing retaining wall.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that is performed in the dry during drawdown.

**2009-02753                      WOODBURY TRUST, ZDENY**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Repair existing docking structures.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form on November 19, 2009

PBN IS COMPLETE:

Repair existing docking structures.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2009-02836                      MEREDITH, TOWN OF**  
**MEREDITH   Lake Waukewan**

Conservation Commission/Staff Comments:

Con Com signed PBN form on Dec 01, 2009

**2009-02837                      DAVIDSON, ROBERT**  
**BRISTOL   Newfound Lake**

Requested Action:

Construction of an anchoring pad for a seasonal dock.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form on Dec 01, 2009

PBN IS COMPLETE:

Construction of an anchoring pad for a seasonal dock.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ab), construction of an anchoring pad for a seasonal dock.

## CSPA PERMIT

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**2009-01523                      LARSON, KAREN**  
**ALTON    Sunset Lake**

### Requested Action:

Impact 9,215 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

Request amendment to allow changes in location of driveway and construction of a new garage.

\*\*\*\*\*

### APPROVE AMENDMENT:

Impact 9,215 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

### With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC, dated June 15, 2009, revised and received by the Department of Environmental Services ("DES") on October 23, 2009.
2. No more than 9.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 17,976 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 8,988 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state as indicated and clearly delineated on plans dated June 15, 2009 and received by the department on July 20, 2009.

**2009-02104                      HILLIS, FREDERIC**  
**RINDGE   Lake Monomonac**

Requested Action:

Impact 1202 sq. ft. to repair a rear foundation to an existing camp.

\*\*\*\*\*

APPROVE PERMIT:

Impact 1202 sq. ft. to repair a rear foundation to an existing camp.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated November 12, 2009 and received by the Department of Environmental Services ("DES") on November 24, 2009.
2. No more than 17% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 8,105 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,799 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02585                      ECKBRETH, BARBARA**  
**GRANTHAM   Stocker Pond**

Requested Action:

Impact 72 sq ft. to expand existing snowmobile shed by 6 ft x 12 ft.

\*\*\*\*\*

APPROVE PERMIT:

Impact 72 sq ft. to expand existing snowmobile shed by 6 ft x 12 ft.

With Conditions:

1. All work shall be in accordance with plans by Barbara Eckbreth dated October 29, 2009 and received by the Department of Environmental Services ("DES") on October 29, 2009.
2. No more than 4.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 5,000 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02586                      MOYNIHAN, JOANN**  
**HAMPSTEAD   Sunset Lake**

Requested Action:

Replace foundation of existing structure and add new septic system.

\*\*\*\*\*

APPROVE PERMIT:

Replace foundation of existing structure and add new septic system.

With Conditions:

1. All work shall be in accordance with plans by V. W. Dingman and Son dated July 27, 2009 and received by the Department of Environmental Services ("DES") on October 29, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 5.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02725                      ABEL AND PATRICIA MCGRATH, MICHAEL**  
**SANBORTON   Winnisquam Lake**

Requested Action:

Impact 992 sq ft to add concrete slab for 16'x20' prefab garage.

\*\*\*\*\*

APPROVE PERMIT:

Impact 992 sq ft to add concrete slab for 16'x20' prefab garage.

With Conditions:

1. All work shall be in accordance with plans by Michael & Patricia McGarth dated November 15, 2009 and received by the Department of Environmental Services ("DES") on November 17, 2009.
2. No more than 18.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately less than 2,126 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,126 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).



4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02735                      GSM REALTY TRUST**  
**NEWINGTON   Piscataqua River**

Requested Action:

Impact 25,000+ sq ft to implement drainage improvement plan for a 17 acre parcel zoned waterfront industrial that requires stabilization.

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APPROVE PERMIT:

Impact 25,000+ sq ft to implement drainage improvement plan for a 17 acre parcel zoned waterfront industrial that requires stabilization.

With Conditions:

1. All work shall be in accordance with plans by The H.L. Turner Group Inc. dated November 16, 2009 and received by the Department of Environmental Services ("DES") on November 17, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. No more than 7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02743                      SKULLY, JAMES**  
**SALEM   Millville Pond**

Requested Action:

Impact 460 sq ft for the purpose of installing a new foundation.

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APPROVE PERMIT:

Impact 460 sq ft for the purpose of installing a new foundation.

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell & Associates, Inc. dated July 17, 2009.

2. There shall be no changes to existing impervious area footprints associated with completion of this project.
3. No more than 31.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will result in no impacts to native vegetation within the natural woodland buffer
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.
13. This permit is contingent on approval by the DES Subsurface Systems Bureau.

**2009-02744                      DICKINSON, GREGORY**  
**GILFORD   Lake Winnepesaukee**

**Requested Action:**

Impact 1,035.5 sq ft to move existing gazebo and reconfigure deck to meet 25 ft town sideline setback.

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**APPROVE PERMIT:**

Impact 1,035.5 sq ft to move existing gazebo and reconfigure deck to meet 25 ft town sideline setback.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Planning and Permits dated October 30, 2009 and received by the Department of Environmental Services ("DES") on November 18, 2009.
2. No more than 8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 4,582 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,897 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02746                      DURHAM, ROLAND**  
**ORFORD   Upper Baker Pond**

Requested Action:

Impact 1,914 sq ft to replace septic system, and replace cabin in same footprint of existing.

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APPROVE PERMIT:

Impact 1,914 sq ft to replace septic system, and replace cabin in same footprint of existing.

With Conditions:

1. All work shall be in accordance with plans by Jane Blais Design Services dated October 20, 2009 and received by the Department of Environmental Services ("DES") on November 18, 2009.
2. No more than 12.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 49,853 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 49,853 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02748                      FERRIES, JOHN AND DONNA**  
**NEW LONDON   Little Lake Sunapee**

Requested Action:

Impact 8,825 sq ft to add new 2 car garage, realign driveway, and associated landscape work.

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APPROVE PERMIT:

Impact 8,825 sq ft to add new 2 car garage, realign driveway, and associated landscape work.

With Conditions:

1. All work shall be in accordance with plans by Pelletieri Associates, Inc. dated November 16, 2009 and received by the Department of Environmental Services ("DES") on November 19, 2009.
2. No more than 28.32% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 4,250 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,830 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02767 DAY, ROY**  
**LYME Post Pond**

Requested Action:

impact 1,578 sq ft to install new septic system.

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APPROVE PERMIT:

impact 1,578 sq ft to install new septic system.

With Conditions:

1. All work shall be in accordance with plans by Harry Burgess dated November 17, 2009 and received by the Department of Environmental Services ("DES") on November 20, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 28% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,000 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02769 JOHNSON, STEVE AND MARTHA**  
**WOLFEBORO Lake Winnepesaukee**

Requested Action:

Impact 12,698 sq ft to add on to existing structure master bedroom on lot 30, tear down dwelling on lot 29, update septic.

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APPROVE PERMIT:

Impact 12,698 sq ft to add on to existing structure master bedroom on lot 30, tear down dwelling on lot 29, update septic.

With Conditions:

1. All work shall be in accordance with plans by Land Tech dated October 1, 2009 and received by the Department of Environmental Services ("DES") on November 20, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 28.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. The project as proposed will leave approximately 2,068 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,040 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02771                      CAMPAGNA, BRUCE**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Impact 6,528 sq ft to construct single family residential home.

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APPROVE PERMIT:

Impact 6,528 sq ft to construct single family residential home.

With Conditions:

1. All work shall be in accordance with plans by Contempory and Adirondaem Exquisite home Builders dated November 1, 2009 and received by the Department of Environmental Services ("DES") on November 20, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 26.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02772                      STARKEY, KENNETH & CHERYL**  
**SUNAPEE   Lake Sunapee**

Requested Action:

Impact 1,072 sq ft to remove and rebuild accessory structure.

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APPROVE PERMIT:

Impact 1,072 sq ft to remove and rebuild accessory structure.

With Conditions:

1. All work shall be in accordance with plans by Reno Design Group dated November 23, 2009 and received by the Department of Environmental Services ("DES") on November 23, 2009.
2. No more than 46% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,537 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 975 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02844 COTTER III, ARUNDEL & DIANE**  
**BARRINGTON Rochester Pond Reservoir**

Requested Action:

Impact 1077 sq ft for the construction of a 26 ft x 36 ft wood framed garage on a concrete foundation.

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APPROVE PERMIT:

Impact 1077 sq ft for the construction of a 26 ft x 36 ft wood framed garage on a concrete foundation.

With Conditions:

1. All work shall be in accordance with plans by Adams Point Contracting, Inc dated December 2, 2009 and received by the Department of Environmental Services ("DES") on December 3, 2009.
2. No more than 1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 43,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 25,250 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02862 DOHERTY ONE FAMILY TRUST, MICHAEL & LUCIA**  
**NEW DURHAM Merrymeeting Lake**

Requested Action:

Impact 3,592 sq ft to provide erosion control and naturalized landscaping around a newly constructed home.

\*\*\*\*\*

APPROVE PERMIT:

Impact 3,592 sq ft to provide erosion control and naturalized landscaping around a newly constructed home.

With Conditions:

1. All work shall be in accordance with plans by R3J Landscaping dated December 3, 2009 and received by the Department of Environmental Services ("DES") on December 3, 2009.
2. No more than 13.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 900 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 900 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/VARIANCE

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**2009-02534                      NASHUA DEVELOPMENT COMPANY**  
**NASHUA   Merrimack River**

Requested Action:

Impact 714 sq ft for the purpose of replacing an exisitng irrigation system.

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APPROVE PERMIT:

Impact 714 sq ft for the purpose of replacing an exisitng irrigation system.

With Conditions:

1. All work shall be in accordance with plans by Michael Igo of Irrigation Consulting, Inc. dated October 5, 2009 and received by the Department of Environmental Services ("DES") on October 22, 2009.
2. No more than .75% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 14,740 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no additional impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

## CSPA PERMIT W/WAIVER

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**2009-01773                      ROCKYWOLD-DEEPHAVEN CAMPS INC**  
**HOLDERNESS   Squam Lake**

Requested Action:

Impact 6,876 sq ft for the purpose of replacing a seasonal cottage.

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APPROVE PERMIT:

Impact 6,876 sq ft for the purpose of replacing a seasonal cottage.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by David Driscoll Designs, dated July 31, 2009, last revised October 27, 2009 and November 2, 2009 and received by the Department of Environmental Services ("DES") on November 3, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 11.19% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 20,622 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,658 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
5. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.



9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Squam Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to reduce the quantity of impervious area within the waterfront buffer by 425 sq ft.
4. The applicant has proposed to install stormwater controls consisting of infiltration trenches and dry wells.
5. The applicant has proposed to plant additional native vegetation within the waterfront buffer.
6. The applicant has proposed to install stormwater controls, and significantly enhance the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-02434                      WELDON, MEGHAN**  
**CENTER HARBOR   Squam Lake**

Requested Action:

Impact 5,282 sq ft for the purpose of expanding a nonconforming structure.

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APPROVE PERMIT:

Impact 5,282 sq ft for the purpose of expanding a nonconforming structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with Site Plans by David Driscoll Designs, dated October 14, 2009 and received by the Department of Environmental Services ("DES") on October 16, 2009 and Planting/Stormwater Management Plans by David Driscoll Designs dated November 23, 2009 and received by DES on November 25, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
4. No more than 17.55% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 7,761 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,754 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

7. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Squam Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to plant additional native vegetation within the waterfront buffer.
4. The applicant has proposed to install stormwater controls consisting of gutters and infiltration trenches that direct stormwater to rain gardens.
5. The applicant has proposed to change the grade of the existing driveway to aid in directing stormwater to the proposed rain gardens.
7. The applicant has proposed to install sound stormwater controls, and enhance the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-02541                      RICHARD, JENNIFER AND NEAL**  
**NEWBURY   Lake Sunapee**

Requested Action:

Impact 1,997 sq ft for the purpose of expanding a nonconforming structure.

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APPROVE PERMIT:

Impact 1,997 sq ft for the purpose of expanding a nonconforming structure.

WAIVER APPROVED: RSA 483-B:9, V(g)(1) is waived to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, dated August, 2009 and received by the Department of Environmental Services ("DES") on October 23, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 58.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. The proposed stormwater management techniques shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
5. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Lake Sunapee and, therefore, fails to conform to the impervious surface limitations set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove other structures resulting in a decrease of the overall area of imperviousness within the protected shoreland by 4.0%.
4. The applicant has proposed to install stormwater controls consisting of gutters that direct stormwater to rain gardens.
5. The applicant has proposed to have a net reduction in overall impervious area within the protected shoreland and install stormwater controls, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-02702                      FITZPATRICK, RICHARD**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Impact 3,575 for the purpose of expanding a nonconforming residential dwelling.

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APPROVE PERMIT:

Impact 3,575 for the purpose of expanding a nonconforming residential dwelling.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated October 20, 2009 and received by the Department of Environmental Services ("DES") on November 16, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 26.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless

additional approval is obtained from DES.

4. The project as proposed will leave approximately 1,935 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. In order to remain compliant with RSA 483-B:9, V, (b),(2), no impacts will occur to native vegetation between 50 ft and 150 ft from the reference line.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas to remain in an unaltered state.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove approximately 120 sq ft of impervious surface coverage within the waterfront buffer of the protected shoreland.
4. The applicant has proposed to plant additional native vegetation within the natural woodland buffer and waterfront buffer.
5. The additional plantings will allow one deficient grid segment within the waterfront buffer to achieve the minimum required score.
6. The applicant has proposed to reduce the area of imperviousness within the waterfront buffer and significantly enhance the waterfront and natural woodland buffers with natural, native vegetation, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.